

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RUTH V. BRIGGS,

Plaintiff,

v.

TEMPLE UNIVERSITY,

Defendant.

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CIVIL ACTION NO. 16-00248

JOINT MOTION FOR EXTENSION OF TIME

Plaintiff Ruth V. Briggs (“Plaintiff”) and Defendant Temple University – of the Commonwealth System of Higher Education (“Defendant”) (collectively, the “Parties”), by and through counsel, jointly move this Court for an extension of all deadlines established in the Court’s Scheduling Order of June 17, 2016 (Doc. No. 11). The Parties respectfully request that the following new deadlines be established, due to Plaintiff’s counsel’s trial schedule, a larger than expected volume of electronically stored information (“ESI”), and the impact of Defendant’s academic calendar on witness availability:

1. All factual discovery shall be completed on or before February 15, 2017;
2. All dispositive motions, if any, shall be filed on or before March 15, 2017; and
3. If the parties do not file any dispositive motions, the parties’ Joint Pretrial Order shall be filed on or before March 29, 2017. If dispositive motions are filed, the parties’ Joint Pretrial Order shall be filed within fourteen (14) days after the Court’s disposition of the dispositive motions.

The Parties seek the relief requested in this motion for the following reasons:

1. Plaintiff's counsel represents that they are scheduled to commence a two-week trial in the Superior Court of New Jersey in *Mitch Williams v. The MLB Network, Inc.* (Docket No. L-3675-14) beginning on September 12, 2016¹.
2. Plaintiff's counsel represents that the September 12 trial date causes them to be largely unavailable during the month leading up to the current end-of-discovery deadline in this matter (September 26, 2016).
3. The Parties have exchanged initial discovery, and negotiated and agreed upon search terms for electronically stored information ("ESI").
4. Plaintiff's counsel has been informed that Defendant has searched for ESI on its shared network drives and in its email files, and is searching for ESI on the hard drives and personal drives of seven custodians who may have information relevant to the claims and defenses in this matter.
5. Plaintiff's counsel has been informed that the ESI search terms returned multiple terabytes of data which currently are being transferred from Defendant's information technology systems to an e-discovery tool for review, and that Defendant will produce responsive, non-privileged documents to Plaintiff on a rolling basis.
6. Defendant's counsel has represented that reviewing multiple terabytes of ESI is a large undertaking as a single terabyte can hold 1,000 copies of the Encyclopedia Britannica, many hundreds of high definition movies/videos, or hundreds of thousands of songs or photos.
7. Plaintiff and Defendant have been and are diligently pursuing fact discovery.

¹ Plaintiff's counsel represents that this trial was originally scheduled to begin on June 27, 2016, but has since been rescheduled by the Court.

8. Plaintiff's counsel has represented that his wife is expecting the family's first child in mid-October, and that he will be taking a paternity leave after the birth.
9. Plaintiff's counsel has asked to depose seven Temple employees, some of whom are professors and department chairs or high level administrative personnel.
10. Defendant's counsel has represented that such witnesses have schedule restrictions, busy periods, and time out of the office, as follows:
 - a. Defendant has a fall break beginning on November 21, 2016 and fall semester classes end on December 12, 2016.
 - b. Defendant's study and final exam period begins on December 13, 2016 and ends December 23, 2016.
 - c. Defendant has a winter break from December 23, 2016 through January 17, 2017.
11. An extension of the fact discovery deadline is also necessary due to the likelihood that certain witnesses will be unavailable during the end-of-semester, final exam and winter break time periods.
12. The delay will not unreasonably extend the trial or resolution of this case or otherwise affect the administration of justice.
13. Defendant's counsel authorized Plaintiff's counsel to submit this motion as an uncontested joint motion and to file this joint motion on behalf of the Parties.

Therefore, Plaintiff and Defendant respectfully request that the Court grant this motion and extend the deadlines originally set forth in this Court's Order of June 17, 2016 to the new dates specified herein and to enter the proposed order.

Respectfully submitted,

CONSOLE LAW OFFICES LLC

Dated: August 9, 2016

By:



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